

Remarks/Arguments

Reconsideration is respectfully requested. Claims 1, 4-12 and 15-24 are pending. Claims 1, 4-12 and 15-24 are rejected.

For the reasons set forth below, Applicants respectfully submit that all pending claims are allowable.

I. Obviousness Rejections

Claims 1, 4-12 and 15-24 are rejected under 35 USC §103(a) as being unpatentable over US Publication No. 2005/0102188 (Hutchinson, et al.) in view of US Publication No. 2005/0097049 (Writer, et al.) and further in view of US Publication No. 2004/0249741 (Understein). See Office Action page 2.

Applicants respectfully disagree and traverse the Examiner's rejections.

In rejecting independent claims 1, 12 and 20, the Examiner concedes that Hutchinson does not teach automatically debiting, using the controller, the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verifying, using the controller, a balance amount of the bank account; and periodically determining, using the controller, whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account as set forth in **claim 1**, debit the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verify a balance amount of the bank account; and periodically determine whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account as set forth in **claim 12**, and automatically debiting the user selected debit transaction amount from the bank account electronically to the financial account at a predetermined interval; periodically verifying a balance amount of the bank account; and periodically determining whether the balance

amount of the bank account is equal to or greater than an outstanding balance amount of the financial account by comparing the verified balance amount of the bank account to the outstanding balance amount of the financial account as set forth in **claim 20**. See Office Action pages 5,10 and 14. Applicants agree.

In an effort to overcome the deficiencies of Hutchinson, the Examiner relies on Understein, in asserting that Understein teaches the above claim limitations, for example, in paragraphs 0010, 0054 and 0055. Applicants disagree and traverse the Examiner's rejections.

Understein discloses "linking a user's deposit account to one or more providers of irregular use products and services... system enables the user's deposit account to be automatically debited according to actual use of the irregular use products and services." See Understein para. 0010. Understein further discloses "[A] recording device may be provided that communicates with the user provider account, wherein the recording device records the actual use of the irregular use products and services." See Understein para. 0010. Understein further discloses "[I]n the event that the user's account has insufficient funds when a charge is posted, the system may be linked with and configured to automatically charge the user's credit card, deduct the amount from the user's bank account, or generate an invoice." See Understein para. 0055.

As understood, Understein discloses a user account linked to a service provider account, whereby automatic debits may be applied to the user account and in the event the user account has insufficient funds, the automatic debit may be drawn from a linked credit card or bank account. Nowhere in paragraphs 0010, 0054 or 0055, nor in other portions of the Understein reference, does Understein disclose or otherwise suggest at least periodically verifying a balance amount of the bank account or periodically determining whether the balance amount of the bank account is equal to or greater than an outstanding balance amount of the financial account, among others.

As the Examiner is well aware "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP §2143.03.

As understood, the combination of Hutchinson, Writer and Understein does not teach each and every limitation of pending independent claims 1, 12 and 20. In view of the foregoing, Applicants respectfully submit that all pending claims are allowable.

No Disclaimers Or Disavowals

Amendments to and/or cancellations of the claims are being made without prejudice and solely to clarify issues before the Examiner and/or to advance prosecution of this application and are not intended as a disavowal of any subject matter and do not constitute an agreement or acquiescence to any objection and/or rejection. Accordingly, by this response Applicants do not concede that previously pending claims are not patentable.

Applicants reserve the right to pursue claims to any subject matter supported by the disclosure of this application in one or more continuation and/or divisional applications at a later time, including the subject matter of any pre-amended and/or cancelled claims, including broader and narrower claims, and including any subject matter found to be disclaimed herein or by any prior prosecution (should such subject matter be found to be disclaimed despite Applicants' statement herein of no such disclaimer). Accordingly, Applicants do not make any disclaimers or disavowals of any subject matter supported by the present disclosure.

Applicants' silence with regard to the Examiner's rejections of and/or objections to certain dependent claims constitutes a recognition by Applicants that the rejections and/or objections are moot based on Applicants' amendment or remarks relative to the independent claim from which the dependent claims depend. Such silence does not constitute an acquiescence to any of the Examiner's objections and/or rejections, and Applicants reserve the right to argue the patentability of such dependent claims at any appropriate time.

Remarks and/or amendments, or a lack of remarks and/or amendments, are not intended to constitute, and should not be construed as, an acquiescence, on the part of Applicants: as to the purported teachings or prior art status of the cited references; as to

the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. In the event that the Examiner deems a telephonic or in person discussion would be helpful in advancing the prosecution of the present application, Applicants respectfully request the Examiner to contact Applicants' representative at (510) 652-6418, x82.

Respectfully submitted,
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